

Title 22: HEALTH AND WELFARE
Chapter 1052-A: CHILD CARE SERVICES

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Maine Revised Statutes
Title 22: HEALTH AND WELFARE
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§3731. DEFINITIONS

As used in this chapter, unless the context otherwise indicates or unless they are inconsistent with federal law, the following terms have the following meanings. [1993, c. 158, §2 (NEW).]

1. Child care. "Child care" means a regular service of care and education provided for compensation for any part of a day less than 24 hours to a child or children under 16 years of age whose parents work outside the home, attend an educational program or are otherwise unable to care for their children. "Child care" also means administrative functions related to the delivery of child care services, including, but not limited to, contract management, voucher administration, licensing, training, technical assistance and referral.

[2011, c. 388, §4 (AMD) .]

2. Council. "Council" means the Child Care Advisory Council established pursuant to Title 5, section 12004-I, subsection 35-B.

[1993, c. 158, §2 (NEW) .]

2-A. Division. "Division" means the early childhood division of the Department of Health and Human Services, Office of Child and Family Services.

[2011, c. 388, §5 (NEW) .]

3. Office. "Office" means the Office of Child Care and Head Start.

[1995, c. 502, Pt. D, §7 (AMD) .]

4. Region. "Region" means a service delivery region established by the commissioner.

[2007, c. 539, Pt. N, §32 (AMD) .]

SECTION HISTORY

1993, c. 158, §2 (NEW). 1995, c. 502, §D7 (AMD). 2007, c. 539, Pt. N, §32 (AMD). 2011, c. 388, §§4, 5 (AMD).

§3732. PRINCIPLES OF CHILD CARE SYSTEM

The department shall allocate resources available under this chapter in a manner that promotes the following principles. [1993, c. 158, §2 (NEW).]

1. Family self-sufficiency. A stable source of child care is a critical ingredient to economic self-sufficiency. Child care policies and programs must facilitate a smooth transition into the work force for parents and a rich and stable environment for children.

[1993, c. 158, §2 (NEW) .]

2. Investment in children. Child care is a critical investment that affects a child's readiness to learn. High-quality child care programs recognize and implement good, early childhood practices, as articulated by Head Start, the National Association for the Education of Young Children and other early childhood organizations.

[1993, c. 158, §2 (NEW) .]

3. Consumer orientation and education. Child care policies and programs must be responsive to the changing needs of families and educate families about available options, identifying quality programs and selecting appropriate care.

[1993, c. 158, §2 (NEW) .]

4. Accessibility. High-quality child care must be available to any family seeking care regardless of where the family lives or the special needs of the child. A centralized system in local communities must be available to facilitate parents' access to child care.

[2011, c. 388, §6 (AMD) .]

5. Affordability. High-quality child care must be available to families who receive child care subsidies available in the State on a sliding scale fee basis, with families contributing based on ability to pay.

[2011, c. 388, §7 (AMD) .]

6. Diversity. It is the goal of the State to strive wherever possible to provide child care in an integrated setting, where children with various needs and of various income levels and cultures are cared for together.

[1993, c. 158, §2 (NEW) .]

7. Efficient, coordinated administration. Child care programs must be coordinated to ensure the most effective use of federal and state funds.

[1993, c. 158, §2 (NEW) .]

8. Support for infrastructure. State child care agencies and policies must support the orderly development of a high-quality child care system.

[1993, c. 158, §2 (NEW) .]

SECTION HISTORY

1993, c. 158, §2 (NEW). 2011, c. 388, §§6, 7 (AMD).

§3733. DESIGNATED AGENCY

To the extent permitted by federal law, the department shall coordinate and administer all available federal and state child care funds, including, but not limited to, those available under the United States Social Security Act; the federal Omnibus Budget Reconciliation Act of 1990, Section 5081; and the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105. [1997, c. 530, Pt. A, §11 (AMD).]

SECTION HISTORY

1993, c. 158, §2 (NEW). 1997, c. 530, §A11 (AMD).

§3734. USE OF FEDERAL FUNDS

The department shall seek the advice of the council when applying or reapplying for federal funds under this chapter and when submitting state plans, amendments to state plans or waivers for federal approval. Whenever the department makes these submissions to the Federal Government, it shall notify the joint standing committee of the Legislature having jurisdiction over human resource matters and the Executive Director of the Legislative Council. [1993, c. 158, §2 (NEW).]

The following additional provisions apply to certain federal child care funds, as indicated. [1993, c. 158, §2 (NEW).]

1. Used to supplement state funds. Federal child care funds must be used to supplement and may not replace existing state and local child care funds.

[1993, c. 158, §2 (NEW) .]

2. Block grant funds encumbered. Within 6 months of receiving any payment under the federal Child Care and Development Fund, the department shall expend or encumber 100% of the payment.

[1997, c. 530, Pt. A, §12 (AMD) .]

SECTION HISTORY

1993, c. 158, §2 (NEW). 1997, c. 530, §A12 (AMD).

§3735. CHILD CARE FOR ASPIRE-TANF PARTICIPANTS

The department shall ensure that all persons referred for participation in the State's ASPIRE-TANF program receive information regarding child care options from caseworkers who are knowledgeable about the range of child care subsidies available in this State and who can explain the relative advantages of each option. This may be done directly by the department or by the department's designee. [1997, c. 530, Pt. A, §13 (AMD).]

SECTION HISTORY

1993, c. 158, §2 (NEW). 1997, c. 530, §A13 (AMD).

§3736. ELIGIBILITY

1. Single application form. By October 1, 1993, the department shall develop a universal application for all publicly funded child care programs for applicants who are seeking child care as their primary service. By January 1, 1994, the department shall require all caseworkers and contractors to use the form to determine eligibility for those applicants. Applicants submitting applications to more than one caseworker or contractor may submit photocopies or facsimile copies.

[2011, c. 388, §8 (AMD) .]

2. Eligibility decision within 30 days. The department shall determine eligibility for child care programs administered under this chapter within 30 days of receiving an application. If a contractor determines eligibility, the department shall require that the contractor determine eligibility within 30 days of receiving an application.

[1993, c. 158, §2 (NEW) .]

3. Application; effective date. If an applicant for child care programs administered under this chapter is determined eligible, child care assistance must be provided retroactively to the date of application.

[2015, c. 267, Pt. RRRR, §1 (NEW) .]

SECTION HISTORY

1993, c. 158, §2 (NEW). 2011, c. 388, §8 (AMD). 2015, c. 267, Pt. RRRR, §1 (AMD).

§3737. PAYMENTS TO PROVIDERS

1. No payments to recipients. The department may not make cash payments to recipients for child care services provided under this chapter, except when those payments represent reimbursement for services already provided to the recipient.

[1993, c. 158, §2 (NEW) .]

2. Maintenance of existing options. The department shall ensure that child care funds are distributed through a range of mechanisms, including, but not limited to, vouchers to recipients and contracts to providers.

[1993, c. 158, §2 (NEW) .]

3. Quality differential. To the extent permitted by federal law, the department shall pay a differential rate for child care services that meet or that make substantial progress toward meeting nationally recognized quality standards, such as those standards required by the Head Start program or required for accreditation by the National Association for the Education of Young Children, and shall do so from the Child Care Development Fund 25% Quality Set-aside funds or by other acceptable federal practices. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. The rules must establish a 4-step child care quality rating system and must provide for graduated quality differential rates for step 2, step 3 and step 4 child care services.

A. [2013, c. 559, §1 (RP).]

B. [2013, c. 559, §1 (RP).]

Nothing in this subsection requires the department to pay a quality differential rate for child care services provided through the Temporary Assistance for Needy Families block grant.

[2015, c. 1, §21 (COR) .]

SECTION HISTORY

1993, c. 158, §2 (NEW). 2001, c. 394, §1 (AMD). 2013, c. 559, §1 (AMD). RR 2015, c. 1, §21 (COR).

§3738. RESOURCE DEVELOPMENT CENTERS

(REPEALED)

SECTION HISTORY

1993, c. 158, §2 (NEW). 1993, c. 490, §1 (AMD). MRSA T. 22, §3738 (RP).

§3739. CHILD CARE ADVISORY COUNCIL

1. Purpose. The Child Care Advisory Council is established, in accordance with Title 5, section 12004-I, subsection 35-B, to advise the Legislature and the department regarding child care services in the State. The council shall encourage the development of child care policies that are coordinated among state agencies to promote quality, uniformity and efficiency of service.

[1993, c. 158, §2 (NEW) .]

2. Membership. The council has a minimum of 28 members, appointed as follows:

A. One employee of the department's office of integrated access and support who is responsible for child care services, appointed by the commissioner; [2011, c. 388, §9 (AMD) .]

B. The employee of the Department of Health and Human Services, Office of Child Care and Head Start who serves as the state child care administrator, or the state child care administrator's designee; [2011, c. 388, §9 (AMD) .]

C. One employee of the division within the department concerned with children's behavioral health services, appointed by the commissioner; [2011, c. 388, §9 (AMD) .]

D. Two employees of the Department of Education, one of whom represents special education programs and one of whom oversees public programs for children 4 years of age, appointed by the Commissioner of Education; [2011, c. 388, §9 (AMD) .]

E. One employee who serves as the state Head Start collaboration director, or the state Head Start collaboration director's designee; [2011, c. 388, §9 (AMD) .]

F. The State Fire Marshal or the State Fire Marshal's designee; [1993, c. 158, §2 (NEW) .]

G. One employee of the organizational unit of the department that provides programs and services for substance abuse prevention and treatment, appointed by the commissioner; [2011, c. 657, Pt. AA, §63 (AMD) .]

H. One employee of the Department of Economic and Community Development, appointed by the Commissioner of Economic and Community Development; [1993, c. 158, §2 (NEW) .]

I. One member of the Senate, appointed by the President of the Senate; [1993, c. 158, §2 (NEW) .]

J. Two members of the House of Representatives, at least one of whom may not be from the party with the most members in the House of Representatives, appointed by the Speaker of the House of Representatives; [2011, c. 388, §9 (AMD) .]

K. One parent or other consumer who receives a child care subsidy at the time of that parent's or consumer's appointment, appointed by the Governor; [1993, c. 158, §2 (NEW) .]

L. One parent or other consumer of child care services who does not receive a child care subsidy, appointed by the Governor; [1993, c. 158, §2 (NEW) .]

M. One business representative nominated by the Maine Chamber of Commerce and Industry, appointed by the Governor; [1993, c. 158, §2 (NEW) .]

N. One center-based care representative nominated by the Maine Child Care Directors' Association, appointed by the Governor; [1993, c. 158, §2 (NEW) .]

O. One Head Start provider nominated by the Maine Head Start Directors' Association, appointed by the Governor; [1993, c. 158, §2 (NEW) .]

P. One family child care provider nominated by an association of family child care providers in the State, appointed by the Governor; [2011, c. 388, §9 (AMD) .]

Q. One person representing Native Americans, appointed by the Governor; [1993, c. 158, §2 (NEW) .]

R. One child care provider who does not receive public funds, appointed by the Governor; [1993, c. 158, §2 (NEW).]

S. One person representing a nonprofit advocacy organization dedicated to improving the lives of children, youth and their families, appointed by the Governor; [2011, c. 388, §9 (AMD).]

T. One person associated with a Child Development Services System site, appointed by the Governor; [2011, c. 388, §9 (AMD).]

U. One person representing a collaborative partnership between the University of Maine and the Department of Health and Human Services, Office of Child Care and Head Start, nominated by the University of Maine Center for Community Inclusion and Disability Studies, appointed by the Governor; [2011, c. 388, §9 (AMD).]

V. One representative of women nominated by the Maine Women's Lobby, appointed by the Governor; [2011, c. 388, §9 (AMD).]

W. One direct service provider of child care for school-age children, nominated by the University of Maine at Farmington, Maine Afterschool Network, or a successor program, appointed by the Governor; [2011, c. 388, §9 (AMD).]

X. One person representing the University of Southern Maine, Edmund S. Muskie School of Public Service, Maine Roads to Quality, or a successor program, appointed by the Governor; [2011, c. 388, §9 (NEW).]

Y. A person representing an association of resource development centers in the State, appointed by the Governor; and [2011, c. 388, §9 (NEW).]

Z. One person representing home-based child care providers, appointed by the Governor. [2011, c. 388, §9 (NEW).]

Senators and members of the House of Representatives serve for the duration of the legislative terms that they are serving when appointed. Members from state departments serve at the pleasure of their appointing authorities. All other members serve 3-year terms and may continue to serve beyond their terms until their successors are appointed. If a vacancy occurs before a term has expired, the vacancy must be filled for the remainder of the unexpired term by the authority who made the original appointment. If a member is absent for 2 consecutive meetings and has not been excused by the chair from either meeting, the council may remove the member by majority vote. If a nominating organization does not submit nominations within a reasonable period of time, the appointing authority may fill that organization's seat with a member of the public at large.

The council shall determine whether more than 28 members would assist it in its work under subsections 1 and 5. If a majority of the council votes to request the appointment of additional members, the council shall specify the number of additional members needed and shall convey a request for the appointment of those additional members to the Governor, who shall make the appointments.

[2011, c. 657, Pt. AA, §63 (AMD) .]

3. Meetings; chair. The commissioner shall call the first meeting of the council by October 15, 1993. At the first meeting, the council shall select by majority vote a chair from among its members to serve a term of one year. A chair may be reelected to subsequent terms. The chair shall call subsequent meetings. The council may meet as often as funding permits, but must meet at least 4 times per year at a date, time and place determined by the council. The chair, in collaboration with the department, may call a special meeting to address an issue that, in the judgment of the chair, cannot wait until the next regularly scheduled meeting.

[2011, c. 388, §10 (AMD) .]

3-A. Notice of meetings; agenda. At a reasonable time before a meeting of the council, the chair shall send a notice of the meeting to every member under subsection 2. A notice of meeting required under this subsection must contain the date, time, place and agenda of the meeting and the minutes of the previous meeting. Notice of a special meeting under subsection 3 must be sent under this subsection as expeditiously as possible.

[2011, c. 388, §11 (NEW) .]

3-B. Attendance at meetings. A member of the council is expected to attend all meetings under subsection 3. If a member is unable to attend a meeting called under subsection 3, the member shall inform the chair. A member may attend a meeting under subsection 3 by participating remotely through the means of telephone, electronic media or other device if the facilities allow for such participation. The council shall endeavor to install means by which a member may participate remotely pursuant to this subsection.

[2011, c. 388, §12 (NEW) .]

4. Powers. The council must have access to all departmental records regarding child care programs administered under this chapter, except that the council may not have access to information that identifies individuals who receive assistance under this chapter.

[1993, c. 158, §2 (NEW) .]

5. Duties. The council shall:

A. Advise the department and the Legislature regarding the coordination of child care services in the State; [1993, c. 158, §2 (NEW).]

B. Advise the department regarding the preparation of any application, amendment, waiver request, plan or other document submitted by the department to the Federal Government regarding child care funding and recommend changes to the submission when appropriate; [1993, c. 158, §2 (NEW).]

C. Establish a subcommittee that includes licensing officials, public health and safety representatives, early childhood educators and others considered necessary by the council to review the current system of licensing and registration and recommend a uniform regulatory system for family day-care homes. In its first annual report, the council shall submit its recommendations, along with implementing legislation, if needed, to the joint standing committee of the Legislature having jurisdiction over human resource matters; [1993, c. 158, §2 (NEW).]

D. Examine the role and funding of resource development centers and submit recommendations regarding the number and role of the centers in the State. These recommendations must be made in the council's first or 2nd annual report; [1993, c. 158, §2 (NEW).]

E. Advise how the State can better use child care funds available under the federal Social Security Act and develop a proposal to use federal and state funds to supplement the earned income disregard for families receiving temporary assistance for needy families; [1997, c. 530, Pt. A, §14 (AMD) .]

F. Explore ways in which child care services may be better integrated into a system of comprehensive services for children and families; and [1993, c. 158, §2 (NEW).]

G. Examine any other relevant child care issues and make recommendations as needed. The council may establish ad hoc subcommittees as needed. [1993, c. 158, §2 (NEW).]

[1997, c. 530, Pt. A, §14 (AMD) .]

6. Report. By January 15th, the council shall submit an annual report to the commissioner, the cochair of the Maine Children's Growth Council established in Title 5, chapter 621 and the joint standing committee of the Legislature having jurisdiction over human services matters. The report must describe the council's activities for the year regarding its duties specified in subsection 5 and must outline policy changes recommended by the council, along with necessary implementing legislation.

[2011, c. 388, §13 (AMD) .]

7. Staff. The office shall provide staff and office supplies to the council within the office's existing resources. The council may refuse these services and supplies and may accept and expend private funds to carry out its duties under this chapter.

[1993, c. 158, §2 (NEW) .]

8. Parliamentary authority. Except as mandated by state law, a meeting under subsection 3 is governed by the current edition of Robert's Rules of Order Newly Revised.

[2011, c. 388, §14 (NEW) .]

SECTION HISTORY

1993, c. 158, §2 (NEW). RR 1995, c. 2, §42 (COR). 1995, c. 418, §A39 (AMD). 1995, c. 502, §D8 (AMD). 1995, c. 560, §K82 (AMD). 1995, c. 560, §K83 (AFF). 1997, c. 530, §A14 (AMD). 2001, c. 179, §1 (AMD). 2001, c. 354, §3 (AMD). 2003, c. 689, §§B6,7 (REV). 2011, c. 388, §§9-14 (AMD). 2011, c. 657, Pt. AA, §63 (AMD).

§3740. OFFICE OF CHILD CARE AND HEAD START

1. Establishment. The Office of Child Care and Head Start is established within the Division of Purchased and Support Services.

[1995, c. 502, Pt. D, §9 (AMD) .]

2. Powers and duties. The office has the following powers and duties:

A. Maintain an inventory of child care information; [1993, c. 158, §2 (NEW) .]

B. Provide public education on becoming better consumers of child care; [1993, c. 158, §2 (NEW) .]

C. Provide staffing assistance to the council; [1993, c. 158, §2 (NEW) .]

D. Coordinate an ongoing review of all child care licensing rules; [1993, c. 158, §2 (NEW) .]

E. Provide technical assistance to public and private sector employers, school systems and community groups concerning child care, flexible benefits and work schedules; [1993, c. 158, §2 (NEW) .]

F. Coordinate the development of a training system for child care providers; [1993, c. 158, §2 (NEW) .]

G. Develop incentives for employer involvement in child care; and [1993, c. 158, §2 (NEW) .]

H. Promote cooperative relationships between public health organizations and child care programs.

[1993, c. 158, §2 (NEW).]

[1993, c. 158, §2 (NEW) .]

SECTION HISTORY

1993, c. 158, §2 (NEW). 1995, c. 502, §D9 (AMD).

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